IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

WP(C).No. 10366 of 2007(H)

OS.254/2007 of MUNSIFF COURT,CHAVAKKAD
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PETITIONER:

THE PAVARATTI TRADING COMPANY LIMITED
REPRESENTED BY ITS MANAGING DIRECTOR
A.D.VARGHESE, P.O.PAVARATTI, THRISSUR DISTRICT.

BY ADV. SRI.K.RAMACHANDRAN
SMT.A.R.DIVYA

RESPONDENTS:
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1. **P.D.JOSEPH, S/O DAVID, PULIKKOTTIL HOUSE, P.O.POOVATHUR,(CHAVAKKAD TALUK, THRISSUR DISTRICT)**

2. **ARBITRATOR CUM SALE OFFICER, IRINGALAKKUDA TOWN CO-OPERATIVE BANK LTD.NO.55, P.O.IRINGALAKKUDA, THRISSUR DISTRICT.**

3. **THE SECRETARY, IRINGALAKKUDA TOWN CO-OPERATIVE BANK LTD.NO.55, P.O.IRINGALAKKUDA, THRISSUR DISTRICT.**

BY ADV. SRI.RAJIT BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.10366/2007 H

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE E.P.NO.133/07 IN O.S.790/01 DTD. 23/03/2007 FILED BEFORE THE MUNSIFF'S COURT, CHAVAKKAD.**

EXT.P2: **COPY OF E.A.118/07 IN E.P.NO.133/07 IN O.S.NO.790/01 DTD. 23/03/2007 FILED BEFORE THE MUNSIFF'S COURT, CHAVAKKAD.**

EXT.P3: **COPY OF THE AFFIDAVIT AND PETITION IN I.A.1051/07 IN O.S.254/07 FILED BEFORE THE MUNSIFF'S COURT, CHAVAKKAD DTD. 24/03/2007.**

/TRUE COPY/

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M.N. KRISHNAN, J.

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W.P.(C) No. 10366 OF 2007 H
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Dated this the 31st May, 2007

J U D G M E N T

This writ petition is filed to direct the Munsiff, Chavakkad, to dispose of E.A. No. 118/07 in E.P. No. 133/07 in O.S. No. 790/01 as well as I.A. No. 1051/07 in O.S. No. 254/07 pending before the said court. The judgment debtor had also entered appearance. All are served. It is submitted that the decree holder in O.S. No. 790/01 is aggrieved by the refusal of the court in passing appropriate orders in the above said matters. According to the decree holder the only item of property the judgment debtor had been sold in auction by the Bank and there is balance amount lying with the bank after appropriating the decree debt due to the bank. The prayer is not to disburse that amount to the judgment debtor and a direction to the judgment debtor not to receive the amount till orders are passed in the above two matters. The request is reasonable and the prayers have to be allowed. Therefore, the writ petition is disposed of as follows:

1. The learned Munsiff, Chavakkad, is directed to

dispose of E.A. No. 118/07 in E.P. No. 133/07 and I.A. No. 1051/07 in O.S. No. 254/07 pending before the said court within a period of six weeks from today.

2. If the amount is not already disbursed till today, respondents 2 and 3 are directed not to disburse the amount to the 1st respondent and the 1st respondent is directed not to receive the amount till the disposal of the above matters.

3. In case of necessity the court below can advance the hearing date after notice to the parties and dispose of the matters after hearing both sides.

M.N. KRISHNAN
JUDGE

jan/